

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated January 2, 2003. Claims 1-6 are currently pending. As indicated above, Claim 7 has been cancelled.

In the Office Action, the Examiner has rejected the claims as follows: Claims 1-2 and 7 under 35 U.S.C. § 102(b) based on a public use or sale of the invention in *Kawashima* (U.S. 5,201,068); and Claims 3-6 under 35 U.S.C. § 103(a) as being unpatentable over *Kawashima*.

As stated above, independent Claims 1-4 have been rejected in view of *Kawashima*. In the rejection of each of Claims 1-4, the Examiner alleges that *Kawashima* teaches registering a first voice command for commanding the cellular phone to raise the volume level, and registering a second voice command for commanding the cellular phone to lower the volume level, as recited in Claims 1-4. However, after examining *Kawashima*, it is respectfully submitted that there is no disclosure of *Kawashima* that describes registering a first voice command for commanding the cellular phone to raise the volume level, and registering a second voice command for commanding the cellular phone to lower the volume level. In *Kawashima*, voice command is performed using pre-set fixed commands (e.g., "up" and "down") and does not enable a user to register his or her voice commands as recited in Claims 1-4 of the present application. Therefore, it is respectfully submitted that the Examiner is incorrect with the rejections of Claims 1-4. In addition, as indicated

above, the "registering" steps in Claims 1-4 have been amended to read "registering by a user" to further distinguish Claims 1-4 from the cited art.

Further, with regards to Claims 2 and 4, the Examiner asserts that *Kawashima* teaches raising or lowering a key tone volume level in response to the registered voice commands input into the cellular phone (Figs. 2, 6A-D, and 9, col. 1, lines 59-67, col. 6, lines 35-68, and col. 7, lines 1-9). However, it is respectfully submitted that none of these cited sections, nor any other section of *Kawashima*, disclose raising or lowering a key tone volume level in response to the registered voice commands input into the cellular phone by the user, as is recited in Claims 2 and 4.

Therefore, for the reasons stated above, it is respectfully submitted that independent Claims 1-4 are patentably distinct from *Kawashima* and it is respectfully requested that the rejections of Claims 1-4 be withdrawn.

As independent Claims 1-4 are now believed to be in condition for allowance, it is respectfully submitted that dependent Claims 5-6 are also in condition for allowance as being dependent upon independent Claim 1.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-6, are in condition for allowance. Should the Examiner believe

that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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